



Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

June 10, 2022

Mr. Alexander Hunt
Chief, Information Policy Branch
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, N.W.
Washington, D. C. 20503

Dear Mr. Hunt:

The Federal Communications Commission (Commission) requests Office of Management and Budget (OMB) approval to submit the information collection described herein under the “emergency processing” provisions of the Paperwork Reduction Act (PRA) of 1995 (5 CFR 1320.13). The Commission is requesting clearance for a new information collection. We respectfully request OMB approval for this revision no later than 37 days after it is received at OMB.

Unwanted and illegal robocalls have long been the Federal Communication Commission’s (“Commission”) top source of consumer complaints and one of the Commission’s top consumer protection priorities. Foreign-originated robocalls represent a significant portion of illegal robocalls, and gateway providers serve as a critical choke-point for reducing the number of illegal robocalls received by American consumers. In the *Gateway Provider Report and Order*, the Commission took steps to prevent these foreign-originated illegal robocalls from reaching consumers and to help track these calls back to the source.¹ Along with further extension of the Commission’s caller ID authentication requirements² and Robocall Mitigation Database filing requirements,³ the Commission adopted several robocall mitigation requirements, including a requirement for gateway providers to respond to traceback within 24 hours,⁴ mandatory blocking requirements,⁵ a “know your upstream provider” requirement,⁶ and a general mitigation requirement.⁷ Accordingly, the Commission seeks OMB approval for a new information collection for the traceback rules.

¹ *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Sixth Report and Order and Seventh Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Fifth Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 22-37 (rel. May 20, 2022) (*Gateway Provider Order*).

² *Id.* at paras. 51-63.

³ *Id.* at paras. 34-50.

⁴ *Id.* at paras. 65-71.

⁵ *Id.* at paras. 72-95.

⁶ *Id.* at paras. 96-101.

⁷ *Id.* at paras 102-108.

Traceback is extremely important in the Commission's highest-priority enforcement work protecting the public from robocalls. The information collection will enable the Commission to enforce its traceback rules that require voice service providers to respond to traceback requests from the Commission, civil law enforcement, criminal law enforcement, or the industry traceback consortium. A call can be traced back to its source quickly through the traceback process, allowing the Commission, law enforcement agencies, and the industry to identify the origin of suspected illegal calls.

We are concerned about the effect a delay in PRA approval would have on the Commission's robocall enforcement program if the traceback rules are not enforceable for a prolonged period of time. Although we now recognize that the existing rules should have received PRA review, the fact is that they have been in effect for over a year, since May 2021. Under the order adopted by the Commission, the revised robocall rules, including the new traceback rules that constitute an information collection, will become effective and replace the existing rules 60 days after the Gateway item is published in the Federal Register. However, by the terms in the order, compliance with the new traceback rules cannot be required until 30 days after we publish notice in the Federal Register that the PRA process is complete. Thus, without the emergency PRA process, we would have no enforceable traceback rules for several months while the PRA process is in progress, thereby interrupting an important pillar of the effective enforcement process that is currently in place. We believe these circumstances meet the criteria for emergency PRA approval, as set forth in 5 CFR 1320.13(a).⁸ The Commission will conduct all of the necessary regular submission requirements under the PRA after approval of this emergency request.

The Commission's staff is ready to work with your PRA Desk Officer to immediately provide any additional information needed to ensure OMB's approval of this emergency request for the new information collection no later than 37 days after it is received at OMB. Please have your PRA Desk Officer contact Cathy Williams at (202) 418-2918 or cathy.williams@fcc.gov, if there are any questions or requires any additional information.

Sincerely,



Mindy J. Ginsburg
Deputy Managing Director
Office of Managing Director
Federal Communications Commission

⁸ (1) The collection of information: (i) Is needed prior to the expiration of time periods established under this Part; and (ii) Is essential to the mission of the agency; and (2) The agency cannot reasonably comply with the normal clearance procedures under this part because: (i) Public harm is reasonably likely to result if normal clearance procedures are followed . . . or (iii) The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information . . . 5 CFR 1320.13(a).